



General Assembly

January Session, 2001

Raised Bill No. 6775

LCO No. 3836

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CLARIFYING THE DEFINITION OF WILFUL MISCONDUCT
UNDER THE UNEMPLOYMENT COMPENSATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (2) of subsection (a) of section 31-236 of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof:

4 (2) (A) If, in the opinion of the administrator, the individual has left
5 suitable work voluntarily and without good cause attributable to the
6 employer, until such individual has earned at least ten times such
7 individual's benefit rate, provided whenever an individual voluntarily
8 leaves part-time employment under conditions [which] that would
9 render the individual ineligible for benefits, such individual's
10 ineligibility shall be limited as provided in subsection (b) of this
11 section, if applicable, and provided further, no individual shall be
12 ineligible for benefits if the individual leaves suitable work (i) for good
13 cause attributable to the employer, including leaving as a result of
14 changes in conditions created by the individual's employer, (ii) to care
15 for a seriously ill spouse or child, or parent domiciled with the
16 individual, provided such illness is documented by a licensed

17 physician, (iii) due to the discontinuance of transportation, other than
18 the individual's personally owned vehicle, used to get to and from
19 work, provided no reasonable alternative transportation is available,
20 or (iv) to protect the individual or a child domiciled with the
21 individual from becoming or remaining a victim of domestic violence,
22 as defined in section 17b-112a, provided such individual has made
23 reasonable efforts to preserve the employment, but the employer's
24 account shall not at any time be charged with respect to any voluntary
25 leaving that falls under subparagraph (A)(iv) of this subdivision; or (B)
26 if, in the opinion of the administrator, the individual has been
27 discharged or suspended for felonious conduct, conduct constituting
28 larceny of property or service, the value of which exceeds twenty-five
29 dollars, or larceny of currency, regardless of the value of such
30 currency, wilful misconduct in the course of the individual's
31 employment, [just cause,] or participation in an illegal strike, as
32 determined by state or federal laws or regulations, until such
33 individual has earned at least ten times the individual's benefit rate;
34 provided an individual who (i) while on layoff from regular work,
35 accepts other employment and leaves such other employment when
36 recalled by the individual's former employer, (ii) leaves work [which]
37 that is outside the individual's regular apprenticeable trade to return
38 to work in the individual's regular apprenticeable trade, (iii) has left
39 work solely by reason of governmental regulation or statute, or (iv)
40 leaves part-time work to accept full-time work, shall not be ineligible
41 on account of such leaving and the employer's account shall not at any
42 time be charged with respect to such separation, unless such employer
43 has elected payments in lieu of contributions.

44 Sec. 2. Subdivision (16) of subsection (a) of section 31-236 of the
45 general statutes is repealed and the following is substituted in lieu
46 thereof:

47 (16) For purposes of subparagraph (B) of subdivision (2) of this
48 subsection, "wilful misconduct" means deliberate misconduct in wilful
49 disregard of the employer's interest, or a single knowing violation of a

50 reasonable and uniformly enforced rule or policy of the employer,
51 when reasonably applied, provided such violation is not a result of the
52 employee's incompetence and provided further, in the case of absence
53 from work, "wilful misconduct" means an employee must be absent
54 without either good cause for the absence or notice to the employer
55 which the employee could reasonably have provided under the
56 circumstances for three separate instances within an eighteen-month
57 period. [and "just cause" means a single act of wilful misconduct in the
58 course of an individual's employment which seriously endangers the
59 life, safety or property of the individual's employer, fellow employees
60 or the general public.] For purposes of subdivision (15) of this
61 subsection, "temporary help service" means any person conducting a
62 business [which] that consists of employing individuals directly for the
63 purpose of furnishing part-time or temporary help to others; and
64 "temporary employee" means an employee assigned to work for a
65 client of a temporary help service.

LAB *Joint Favorable*

FIN *Joint Favorable*